

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Tressa R. Glover,	)	C/A No. 3:08-2254-JFA-JRM
	)	
Plaintiff,	)	
vs.	)	ORDER
	)	
University Motor Company,	)	
	)	
Defendant.	)	
_____	)	

The *pro se* plaintiff, Tressa R. Glover, brings this action under the Fair Debt Collection Act, 15 U.S.C. §1692 in connection with the repossession of two automobiles she purchased and financed from the defendant. Under the court's initial order in this case, plaintiff was directed to pay the filing fee or submit appropriate documents to apply to proceed *in forma pauperis*. Plaintiff was also directed to submit fully completed service forms for the defendant.

When the plaintiff failed to respond to the orders, the Magistrate Judge assigned to this case<sup>1</sup> prepared a Report and Recommendation on August 14, 2008, suggesting that the case should be dismissed for failure to bring the case into proper form. The plaintiff responded to the Report and the undersigned referred the matter back to the Magistrate Judge.

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

During the pendency of this action, the defendant filed a motion to dismiss. Pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was apprised of her right and obligation to respond to the motion to dismiss. After no response was received from the plaintiff, the Magistrate Judge issued another order on June 3, 2009, giving the plaintiff an additional fifteen days to respond to the motion to dismiss. The plaintiff was specifically warned that if she failed to respond, the action would be recommended for dismissal with prejudice for failure to prosecute. To date, there has been no response from the plaintiff.

The Magistrate Judge has prepared a second Report and Recommendation wherein he suggests that this court should dismiss the action due to plaintiff's failure to comply with the court's orders and for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of her right to file objections to the second Report and Recommendation, which was entered on the docket on December 22, 2009. The plaintiff has not filed a response within the time limits prescribed. Additionally, the Report mailed to the plaintiff has been returned to the Clerk marked "return to sender."

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporates it herein by reference. Accordingly, this action is dismissed with prejudice for failure to prosecute under Rule 41(b) and all outstanding motions are deemed moot.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.  
United States District Judge

January 15, 2010  
Columbia, South Carolina